

### **REMARKS/ARGUMENTS**

In the Office Action dated October 12, 2005, the Examiner 1) rejected claims 1-8 under 35 U.S.C. § 112, second paragraph as being indefinite; 2) rejected claims 1 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,062,464, issued to Peterson (hereinafter *Peterson*); and 3) indicated that claims 2-4 and 8 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, and amended to include the limitations of the base claim and any intervening claims.

#### **Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph for being indefinite. In particular, the Examiner objected to the terms "similar" and "corresponding." Claims 1-3 and 7 have been amended.

#### **Rejections under 35 U.S.C. § 102(b)**

Claims 1 and 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Peterson*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). If a single element is not found in the prior art reference, the claims are not anticipated.

Claim 1 claims a plurality of similarly constructed trains of elongated members that are arranged to form a single pantograph forming longitudinally aligned rows of diamonds. The trains are spaced laterally to form a wall plane and oriented so that the diamonds of the pantographs operate in a plane at a 90° angle to that wall plane. Claim 1 also includes that Panels are secured to pairs of similarly located members in adjacent trains and to similarly located pairs of opposed sides of the diamonds.

In *Peterson*, the pantographs are formed with their members arranged to form diamonds (24) operating in a plane along the center line of the wall and not at a 90° angle thereto. In other words, the pantographs of claim 1 are 90° opposed to the pantographs of *Peterson*. The Examiner has erroneously considered panel support beams 32, 34 of *Peterson* to be the pantographs. Panel

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support beams 32, 34 are secured to specific points on the pantograph and provide for attachment of wall panels.

Therefore, *Peterson* does not teach diamonds of the pantographs that operate in a plane at a 90° angle to that wall plane. *Peterson* also does not teach panels are to similarly located pairs of opposed sides of the diamonds. Thus, *Peterson* can not anticipate the scope of claim 1. Claims 5-7 depend from claim 1 and are also not anticipated by *Peterson*.

### Conclusion

If the Examiner believes that a telephonic interview would be beneficial, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,



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